

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES RECKER,

Plaintiff,

Case No. 00-71896

v.

HONORABLE DENISE PAGE HOOD

**NEWCOURT CREDIT GROUP, INC.,
et al.,**

Defendants.

**ORDER VACATING OCTOBER 30, 2002 MEMORANDUM OPINION AND ORDER
ENTERING JUDGMENT IN FAVOR OF PLAINTIFF**

This matter is before the Court on remand from the Sixth Circuit Court of Appeals. In an opinion filed March 3, 2005, the Court of Appeals reversed this Court's finding in favor of Plaintiff that Defendants arbitrarily and capriciously denied Plaintiff benefits under the 1996 AT&T Capital Corporation Leadership Severance Plan in violation of the Employee Retirement Income Security Act, 29 U.S.C. § 1132(a)(1)(B).

In accordance with the Mandate entered on May 20, 2005, the Court hereby vacates the October 30, 2002 Memorandum Opinion and Order entering Judgment in favor of Plaintiff.

Accordingly,

IT IS ORDERED that the October 30, 2002 Memorandum Opinion and Order [**Docket No. 59**] is VACATED.

IT IS FURTHER ORDERED that Judgment is entered in favor of Defendants.

/s/ Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

DATED: August 23, 2005